

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BOON-SIEW OOI et al.

Application No. 09/916,701

Filed: July 26, 2001

For: METHOD OF SHIFTING THE
BANDGAP ENERGY OF A QUANTUM
WELL LAYER

Group Art Unit: 2812

Examiner: SAVITRI MULPURI

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT**

2000 University Avenue,
East Palo Alto, CA 94303-2248
(650) 833-2000

Commissioner for Patents
PO Box 1450
Mail Stop: Issue Fee
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450, on September 9, 2003.

GRAY CARL WARE & FRIEDENRICH Date: 9/9/03

By: 

Linda West

Sir:

Applicants hereby petition to withdraw the holding of abandonment in the present application, as evidenced in the Notice of Abandonment mailed September 2, 2003 (copy submitted herewith).

According to the Notice of Abandonment, the present application was abandoned due to Applicants' alleged failure to timely file new formal drawings as required in the Notice of Allowability, namely that no new formal drawings were received.

Applicants submit that new formal drawings were indeed timely submitted in the present case. Submitted herewith is a true and correct copy of Applicant's response to the Notice of Allowance, which included:

1. Transmittal Form
2. PTOL 85B Fee Transmittal

3. Fee Transmittal.
4. Submission of Formal Drawings transmittal.
5. 13 Sheets of Formal Drawings.
6. Check for \$950.
7. Certificate of First Class Mailing
8. Return Postcard.

Also submitted herewith is a true and correct copy of the stamped postcard receipt, which is prima facie evidence under MPEP 503 of receipt in the USPTO of all items listed thereon, including the 13 sheets of formal drawings.

Therefore, it is respectfully requested that the abandonment of the present application be withdrawn.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH

Dated: Sept. 9, 2003

By: 

Alan A. Limbach
Reg. No. 39,749

Attorneys for Applicant(s)

TELEPHONE: (650) 833-2433 (direct line)
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Respond to the Notice of Abandonment by one of the following:

Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f).

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA
22313-1450

By facsimile: 703-305-8755 or 703-305-4372

Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

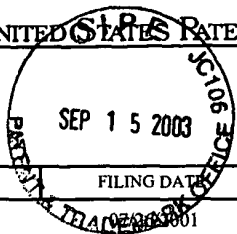
Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.

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UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,701	09/02/2003	Boon-Siew Ooi	021040-000800US	9267

26379 7590 09/02/2003

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EXAMINER

MULPURI, SAVITRI

ART UNIT	PAPER NUMBER
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2812

PH 12

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

RECEIVED

SEP - 8 2003

GRAY CARY
 WARE & FREIDENRICH